

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BEVERLY HARRIS)
4578 East 131st Street, Apt. 3) Case No: 1:12-cv-2297
Garfield Heights, Ohio 44105)
Plaintiff,) JURY DEMAND REQUESTED
v.) CIVIL COMPLAINT
NORTHSTAR LOCATION) (Unlawful Debt Collection Practices)
SERVICES, LLC)
c/o CT CORPORATION)
1300 East Ninth Street)
Cleveland, Ohio 44114)
Defendant.)

COMPLAINT

PLAINTIFF, Beverly Harris (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, NORTHSTAR LOCATION SERVICES, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1337* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Garfield Heights, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a New York Limited Liability Company and debt collector with an office in Cheektowaga, New York.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Beginning approximately one year prior and continuing into August 2012, Defendant, using telephone number 888.820.0969, has placed collection calls to Plaintiff at telephone number 216.624.0108, seeking to collect an alleged due and owed Chase consumer account.

11. Defendant claims Plaintiff owes over \$3,000 on the account, but Plaintiff disputes that she owes that amount.
12. Defendant places calls to Plaintiff at times known to be inconvenient, including before 8:00 AM and after 9:00 PM, and as late as 10:45 PM local time. Plaintiff has not provided Defendant with consent to contact her at unusual hours.
13. Defendant is rude to Plaintiff and states that if she has money to pay for “other things” she should be able to pay the Defendant. Defendant’s comments and calls have been undertaken to harass and annoy Plaintiff for the purpose of coercing payment on the alleged debt.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(a)(1) by, without the prior direct consent of the consumer, communicating with the consumer at any unusual time or place or a time and place known to be inconvenient to the consumer, including before 8:00 AM and after 9:00 PM local time at the consumer’s location.
 - b. Defendant violated §1692e by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.
 - c. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

WHEREFORE, Plaintiff, Beverly Harris, respectfully requests judgment be

entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Beverly Harris, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ David W. Skall

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